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LETTER DATED 22 MARCH 1991 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I should like to request that my letter of 14 March 1991 addressed to Your Excellency be circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative

Annex

[Original: Arabic and English]

Letter dated 14 March 1991 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

As you well know, Kuwait has welcomed the adoption by the Security Council of resolution 686 (1991). Indeed, His Excellency Sheikh Sabah Al Ahmad Al Sabah, the Deputy Prime Minister and Minister for Foreign Affairs, in a letter of 8 March to His Excellency, Mr. Javier Pérez de Cuéllar, declared Kuwait's commitment and readiness to implement all provisions of the resolution relevant to Kuwait.

Iraq's reluctance to abide by its own commitments to fulfil its obligations under resolution 686 (1991) is apparent in the letter addressed to the Foreign Ministers of China, Cuba, India and Yemen by Tariq Aziz (S/22332). In that letter, Iraq states its pleasure that these countries abstained by or voted against resolution 686 (1991), that these countries were able to speak the truth, and that Iraq "has acquiesced in its acceptance because of circumstances which are well known".

On their part, Kuwait and Member States cooperating with it, have duly registered Iraqi prisoners or war (POWs) and arranged for their orderly and prompt release to Iraq.

On the other hand, Iraq procrastinated, denying at times access to the International Committee of the Red Cross (ICRC). Iraq's lack of goodwill in abiding by the terms of paragraphs 2 (c), 3 (c) and 5 of resolution 686 (1991) is manifested in the disorderly release of 1,181 Kuwaiti detainees to ICRC on 8 March. Lack of access to these detainees and their sudden release precluded registration of their names, and the arrangement for their transport into Kuwait. Moreover, the argument advanced by Iraq that internal conditions made it difficult to register all detainees and POWs is unacceptable. Iraq had the opportunity since early August 1990 to proceed with all the necessary arrangements.

It is to be noted that on the question of rescinding its actions purporting to annex Kuwait, Iraq deliberately ignores the word "annexation". The decision by the Revolutionary Command Council (S/22342) refers merely to decisions "regarding Kuwait" as being null and void. Nor does the decision by the Revolutionary Command Council refer to paragraph 2 (a) as such, but to resolution 686 (1991) in general. Furthermore, the fact that the Iraqi National Assembly has not taken any action to endorse the decision is noteworthy. The National Assembly is the public forum where the Iraqi people had in August endorsed the annexation decision. In addition, Iraq is yet to publish the decision in its official Gazette. In short, Iraq seeks to satisfy its obligation under paragraph 2 (a), but reluctantly. By doing so, Iraq is inviting criticism that the Revolutionary Command Council decision addresses the sovereignty of Kuwait as if it were a local matter.

In regard to the return of Kuwaiti property seized by Iraq, paragraph 2 (d), we note the reluctant manner with which Iraq has responded so far. Even in the preliminary response, Iraq indicated its readiness to hand over partial quantities of four items rather than all the items (S/22330). Iraq's readiness to hand over Kuwaiti civilian aircraft is yet to be tested against their readiness to specify the locations of these aircraft so that Kuwait can make the necessary arrangements to retrieve them.

A further indication of Iraq's reluctance to implement fully resolution 686 (1991) is the absence of a commitment by Iraq to accept in principle its liability under international law in compliance with paragraph 2 (b). Iraq's acceptance should be unequivocally and officially stated to the Secretary-General.

Lastly, I should appreciate it if you would bring the above to the attention of the members of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative